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09/998,795	12/03/2001	Steven G. Henry	10016443-1	7073

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EXAMINER

GREENE, SABRINA LETICIA

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/998,795
Filing Date: December 03, 2001
Appellant(s): HENRY, STEVEN G.

DEC 13 2006

Technology Center 2100

Bruce E. Dahl
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 September 2006 appealing from the Office action mailed 17 March 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 17 March 2006 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,934,915	RUDD ET AL.	8-2005
WO 2001/18688	KLOBA ET AL.	4-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2173

1. Claims 1, 5, 14-15, 23, 24 and 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Rudd et al. (US 6,934,915).

As per Claims 1, 15, 24 and 26-29:

2. Rudd et al. teach a method and a electronic apparatus for displaying network data, comprising:

Receiving network data at an appliance operatively associated with a network, network data being from another device connected to the network, receiving occurring appliance is in an inactive mode; (Col. 3, lines 20-26), where the electrical devices and the computing devices can be connected to a network that comprises on or more sub-networks that are communicatively coupled to each other. Further, the data determining the mode of an appliance is also presented to a user (Col. 10, lines 44-47).

Displaying at least a portion of network data on electronic display apparatus operatively associated with appliance, electronic display apparatus allowing for user interaction with and operation of appliance, wherein electronically displaying data is not a primary function of appliance; (Col. 4, lines 10-16), where the appliance is not primarily a display but a multi function device and options are presented to the user via the display and with which the user can send commands to the electrical devices.

Allowing a user to operate appliance to respond to at least a portion of network data on the electronic display apparatus; (Col. 1, lines 60-67 and Col. 2 lines 1-10), where a user can customize an appliance to control operations to respond to the network on the electrical display device.

As per Claim 5:

Art Unit: 2173

3. Rudd et al. teach displaying at least a portion of network data on electronic display apparatus operatively associated with an appliance comprises displaying the at least a portion of network data on a display panel of an appliance; (Col. 3, lines 9-19), where the electronic device displays data related to an appliance.

As per Claims 14 and 23:

4. Rudd et al. teach an appliance is physically linked to the network; (See Fig. 1), where different appliance are linked to the network by a user.

As per Claim 30:

5. Rudd et al. teach an appliance comprises scanner apparatus; (Col. 2, lines 57-66), where multi-function devices such as a scanner are used with another appliance.

As per Claim 31:

6. Rudd et al. teach providing additional network data to the user comprises printing at least a portion of additional network data; (Col. 2, lines 57-66), where multi-function devices and in this case a printer is used for printing related network data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4, 6-13, 16-22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudd et al. and Kloba et al. (WO 01/18688 A2).

8. The difference between the claims and Rudd et al. is the claims recites a network comprising advertisements, textual data, graphical data and a user is able to interact with devices by requesting more data.

Kloba et al. teach a system and method to interact with devices similar to that of Rudd et al. In addition, Kloba et al. further teaches a network that can display different types of data and user being able to interact with the devices.

As per Claims 2 and 19:

9. Kloba et al. teach a portion of network data comprises an advertisement; (Pg. 1, lines 24-29), where web content can be loaded on a device. The web content can consist of an advertisement.

As per Claims 3 and 21:

10. Kloba et al. teach a portion of network data comprises network textual data; (Pg. 1, lines 24-29), where web content can be loaded on a device. The web content can consist of textual data.

As per Claims 4 and 20:

11. Kloba et al. teach a portion of said network data comprises network graphical data; (Pg. 10, lines 14-17), where web content can be loaded on a device. The web content can consist of graphical data.

As per Claims 6, 16 and 25:

12. Kloba et al. teach allowing a user to request more information from said another device and providing additional network data to the user. The additional network data being from another device and being based at least in part on the user's request for

more information; (Pg. 8, lines 3-8), where a user can communicate with a communication protocol that collects requests and responses to the network.

As per Claim 7:

13. Rudd et al. teach providing additional network data to the user comprises printing at least a portion of additional network data; (Col. 2, lines 57-66), where multi-function devices and in this case a printer is used for printing related network data.

As per Claim 8:

14. Kloba et al. teach providing additional network data to the user comprises receiving additional network data at appliance; (Pg. 7, lines 5-9), where a device operates in conjunction with a web server; web pages can be loaded, viewed, cached and deleted.

As per Claim 9:

15. Kloba et al. teach providing additional network data to the user comprises displaying at least a portion of additional network data on the electronic display apparatus operatively associated with an appliance; (Pg. 7, lines 5-9), where a device operates in conjunction with a web server and web pages are displayed on the device GUI.

As per Claim 10:

16. Kloba et al. teach providing additional network data to the user comprises receiving additional network data at an email account; (Pg. 17, lines 10-12), where notifications or messages are received in an email account to the user.

As per Claims 11 and 17:

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17. Kloba et al. teach allowing a user to request more information from another device comprises allowing a user to email the request for more information to another device; (Pg. 17, lines 1-8), where a user can request information on a specific topic from another device through email.

As per Claims 12,18 and 22:

18. Kloba et al. teach determining whether an appliance is in an active mode, if an appliance is not receiving network data from another device if it is determined that the appliance is in the active mode; (See Fig. 60), where a user can determine or retrieve content from a server if an appliance is attached or downloaded properly to a device. The user can also disable the connection to another appliance or cancel the downloading.

As per Claim 13:

19. Kloba et al. teach determining whether an appliance is in an active mode, electronic display apparatus not displaying the at least a portion of network data if it is determined that the appliance is in the active mode; (See Fig. 60), where from the display on the device the user can determine whether the connected appliance is in active mode.

20. It would have been obvious to one of ordinary skill in the art, having the teachings of Rudd et al. and Kloba et al. before him at the time the invention was made, to modify the system and method for personalizing an electrical device interface taught by Rudd et al. to include the interactive interface of Kloba et al, in order to obtain an

apparatus and method that displays network data with an appliance that is operatively associated with a network.

One would have been motivated to make such a combination because systems and methods, computer program products, and combinations for enabling web content to be displayed on a device that user are able to interact with such as sending or retrieving email. Further, Rudd et al. display would have been improved if the data from Kloba et al. were added to the GUI of Rudd et al.

(10) Response to Argument

21. Appellant arguments filed 12 September 2006 have been fully considered but they are not persuasive. There is not a sufficient showing of facts to determine if the present invention defined by the claims was actually conceived before the 9 October 2001, filing date of Rudd et al (US 6,934,915). Appellant only relies on the sworn statement as evidence. Appellant have not provided factual evidence to show conception. Conception must be capable of proof. Conception is established when the invention is made sufficiently clear to enable one skilled in the art to reduce it to practice without the exercise of extensive experimentation or the exercise of inventive skill. The declaration is insufficient and not persuasive.

Appellant's arguments relating to whether claims 1, 5, 14, 15, 23, 24, and 26-31 are unpatentable under 35 U.S.C. 102(a) as being anticipated by Rudd et al. and whether claims 2-4, 6-13, 16-22, and 25 are unpatentable under 35 U.S.C. 103(a) as being obvious over Rudd and Kloba et al. is not persuasive therefore, the combination of Rudd and Kloba are not in error.

§ 1.131 Affidavit or declaration of prior invention

(a) When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based. The effective date of a U.S. patent, U.S. patent application publication, or international application publication under PCT Article 21(2) is the earlier of its publication date or date that it is effective as a reference under 35 U.S.C. 102(e). Prior invention may not be established under this section in any country other than the United States, a NAFTA country, or a WTO member country. Prior invention may not be established under this section before December 8, 1993, in a NAFTA country other than the United States, or before January 1, 1996, in a WTO member country other than a NAFTA country. Prior invention may not be established under this section if either:

(1) The rejection is based upon a U.S. patent or U.S. patent application publication of a pending or patented application to another or others which claims the same patentable invention as defined in § 41.203(a) of this title, in which case an applicant may suggest an interference pursuant to § 41.202(a) of this title.

(11) Related Proceeding(s) Appendix

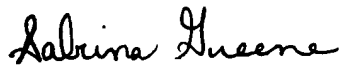
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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Sabrina Greene




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RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173